

REMARKS

Applicants have carefully reviewed the Office Action dated December 9, 2004. Claims 1-37 are pending in this application. Applicants have amended Claims 1, 2, 3, 5, 6, 13, 14, 15, 16 and 19 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 2-3, 5-6, and 13-16 were objected to based upon various informalities. Applicants appreciate the Examiner's detailed rejection and suggested changes. These Claims have been amended incorporating the changes suggested by the Examiner. As such, Applicants believe that the objections to Claims 2-3, 5-6 and 13-16 have been overcome.

Claims 1-7, 19, 26-27 and 30-31 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Rogers*. This rejection is respectfully traversed with respect to the amended claims.

Applicants' present inventive concept, as defined by the amended claims, is directed toward a bar code that has a sequence from a beginning character to an end character, this sequence of characters (being Alpha-Numeric characters or just Alpha characters) requires scanning along the longitudinal axis to pick the characters up. Typically, this will be done from the beginning of the bar code to the end of the bar code. The aiming indicia is noted in the claims as being disposed at the beginning of the sequence and it is for the purpose of directing a user to scan from the aiming indicia to the bar code and it is disposed a predetermined distance therefrom such that the manual or hand scanner can be accelerated sufficiently so as not to miss the first character. It is noted that bar codes will have a series of bars that provide the initial boundary. However, it is still important that the acceleration of the scanner be sufficient at the beginning of this boundary to pick up these codes.

The *Rogers* reference is directed toward a printing system which merely prints information by bar code. There is nothing that will in any way induce an individual to utilize this particular set of

AMENDMENT AND RESPONSE

S/N 09/580,793

Atty. Dkt. No. PHL-25,091

characters as noted in Figure 8 for the purpose of scanning from those characters toward the bar code. In fact, these characters are disposed at the end of the bar code. As such, in view of the amendments made to the claims, Applicants believe that the *Rogers* reference no longer anticipates Claims 1-7-19, 26-27 and 30-31. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 102(b) rejection with respect to these claims. Further, Applicants believe that *Rogers* does not obviate these claims as there is no indication in *Rogers* as to providing an aiming indicia for the express purpose of directing a user to scan from the aiming indicia along the longitudinal axis with the aiming indicia disposed far enough away from the bar code such that the acceleration of the scanning wand is sufficient to scan the bar code on a first pass. In fact, the distance in *Rogers*, although illustrated in Figure 8, is not indicated as being of any importance and, therefore, there is no teaching that one would dispose a character any distance from the bar code for any purpose other than visual appearance.

Claims 8-14 and 32-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Rogers*. This rejection is respectfully traversed with respect to the amended claims.

Claims 8-14 depend from Claim 1 and, for the reasons described hereinabove, the *Rogers* reference is not believed to obviate these claims. Claims 32-37 depend directly or indirectly from Claim 19. For the reasons described hereinabove, Applicants believe that the *Rogers* reference does not obviate the claims as amended. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 103(a) rejection with respect to Claims 8-14 and 32-37.

Claims 15-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Rogers* in view of *Smith*, U. S. 4,528,443. This rejection is respectfully traversed with respect to the amended claims.

The Examiner noted that *Rogers* fails to teach or fairly suggest a method for facilitating the reading of a bar code using a manual optical reader that utilizes a step of inducing users to first direct the optical access such that the scan will be performed along the longitudinal axis. Although *Smith* teaches a hand held bar code reader that is moved along the longitudinal axis, Applicants believe that this is well-known. However, what is not shown in either *Rogers* or *Smith* or in the combination thereof

AMENDMENT AND RESPONSE
S/N 09/580,793
Atty. Dkt. No. PHL-25,091

is the use of an aiming indicia that is disposed at the beginning of the bar code or the scan operation to induce the user to scan from that aiming indicia across the bar code. Applicants contend that *Rogers* would never induce a user to scan from the characters "ABC," as that indicates the end of a sequence rather than the beginning of a sequence. As such, *Rogers* does not rise to the level of an aiming indicia for inducing a user to scan and, as such, without that, the user could initiate scanning at the beginning of a bar code with no lead-in which the present invention seeks to prevent. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 103(a) rejection with respect to Claims 15-18.

Claims 20-21 stand rejected under 35 U.S.C. 103(a) as unpatentable over *Rogers* in view of *Krummel*. This rejection is respectfully traversed.

Claims 20-21 depend from Claim 19, as described hereinabove. Applicants believe that the *Krummel* reference does not cure the deficiencies noted hereinabove with respect to the *Rogers* reference and, therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 103(a) rejection with respect to Claims 20-21.

Claims 22-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Rogers* in view of *Mak*, U.S. Patent No. 5,420,943. This rejection is respectfully traversed with respect to amended claims.

Claims 22-23 depend from Claim 19 and, for the reasons described hereinabove, *Rogers* is not believed to obviate or anticipate the amended claims. The addition of the *Mak* reference does not cure the deficiencies noted hereinabove with respect to the amended claims. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 103(a) rejection with respect to Claims 22-23.

Claims 24-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Rogers* in view of *Otten*, U. S. Patent No. 3,959,631. This rejection is respectfully traversed with respect to amended claims.

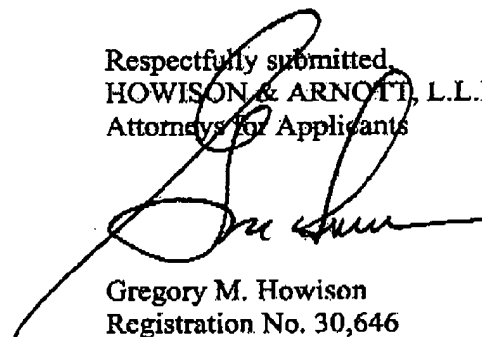
AMENDMENT AND RESPONSE
S/N 09/580,793
Atty. Dkt. No. PHL-25,091

Claims 24-25 depend from Claim 19 and Applicants already discussed the fact that *Rogers* is not believed to anticipate or obviate these claims. The addition of *Otten* reference does cure the deficiencies noted hereinabove. As such, Applicants believe that the combination of *Rogers* and *Otten* does not anticipate or obviate Applicants' present inventive concept as defined by Claims 24-25 and, therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 103(a) rejection with respect to Claims 24-25.

Applicants believe that none of the references to *Rogers*, *Smith*, *Krummel* and *Mak*, taken singularly or in combination, anticipate or obviate Applicant's present inventive concept, as defined by the amended claims. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 102 (b) and 103(a) rejections with respect to the rejected claims.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,091 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicants



Gregory M. Howison
Registration No. 30,646

GMH/yoc

P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
June 7, 2004

AMENDMENT AND RESPONSE
S/N 09/580,793
Atty. Dkt. No. PHLY-25,091